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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,061	07/10/2002	Rutger Roseen	34439	9442
116	7590	11/30/2005		
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER SHEIKH, ASFAND M	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,061

Applicant(s)

ROSEEN, RUTGER

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/05/2002
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
2. The specification does not comply with 35. U.S.C. 111(a). Please refer to *Content of Specification* provided below for further information.

- Appropriate correction is required.

### Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)),

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"Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

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- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the

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abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (1) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

#### ***Claim Objections***

4. Claims 10-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 9. See MPEP § 608.01(n). Accordingly, the claim 10-11 not been further treated on the merits.

#### ***Claim Rejections - 35 USC § 112***

5. Claims 1-12 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Example given: claim 2 - "in that the camera digitalizes" - Examiner will interpret the claims to refer to a enclosure that tracks inventory based off of photographs in order manage this inventory.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-3, 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttobene U.S. Pat. 5,273,183 in view of Whigham U.S. Pat. 6,584,309 and Shandlay U.S. Pat. 3,651,478.

As per claim 1 and 7, Tuttobene discloses a procedure for supervision of a store room and delivery of merchandise from a room sealed by means of a door or scuttle provided with a lock device, without direct assistance of any staff is influenced to an open position, whereupon the space becomes accessible for the person who shall gather goods (col. 3, lines 53-68 and col. 4, lines 1-22; Examiner interprets "access door... operated by solenoid control" to be a door accessible for a person who shall gather goods) and that concurrently with the opening of the door the stock-in-trade is inventoried and that when the door is shut after the take-out of the goods, the stock-in-trade is inventoried (col. 2, lines 15-25 and col. 4 lines 18-48).

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However Tuttobene fails to explicitly disclose in that the locking device of the door by means of a key, an electronically active contactor means or radio waves from a cell phone.

However, Whigham discloses in that the locking device of the door by means of a key, an electronically active contactor means or radio waves from a cell phone (col. 3, lines 60-68 and col. 4, lines 1-9).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene's method to include concurrently with the opening of the door the stock-in-trade is photographed by one or more electronic cameras and that when the door is shut after the take-out of the goods, the stock-in-trade is photographed anew and in that the locking device of the door by means of a key, an electronically active contactor means or radio waves from a cell phone as taught by Whigham. The motivation to combine would eliminate the need for currency for a vending machine and also eliminates the need for a dedicated online connection between the vending machine and the issuer (col. 1, lines 36-39; Whigham).

Tuttobene and Whigham both fail to explicitly disclose that concurrently with the opening of the door the stock-in-trade is photographed by one or more electronic cameras and that when the door is shut after the take-out of the goods, the stock-in-trade



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is photographed anew. However Shandlay discloses in that the concurrently with the opening of the door the stock-in-trade is photographed by one or more electronic cameras and that when the door is shut after the take-out of the goods, the stock-in-trade is photographed anew (col. 1, lines 1-22)

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene and Whigham's method to include concurrently with the opening of the door the stock-in-trade is photographed by one or more electronic cameras and that when the door is shut after the take-out of the goods, the stock-in-trade is photographed anew as taught by Shandlay. The motivation to combine would allow for savings in time and be cost effective in eliminating the need for performing hand inventory (col. 1, lines 26-28; Shandlay).

As per claim 2, Tuttobene and Whigham both fail to explicitly disclose in that the camera digitalizes the pictures, and sends these to an image processing equipment, which converts the pictures to inventory lists, which are stored in a central computer. However Shandlay discloses in that the camera digitalizes the pictures, and sends these to an image processing equipment, which converts the pictures to inventory lists, which are stored in a central computer (col. 1, lines 1-22).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene and Whighams's method to include in that the camera digitalizes the pictures, and sends these to an image processing equipment, which converts the pictures to inventory lists, which are stored in a central computer as taught by Shandlay. The motivation to combine would allow for savings in time and be cost effective in eliminating the need for performing hand inventory (col. 1, lines 26-28; Shandlay).

As per claim 3, Tuttobene fails to explicitly disclose in that the central computer is called from the cellphone and after identifying the cellphone the central computer submits a code which is indicated on the display of the phone and which can be entered on a key pad in order to open the door. However Whigham discloses in that the central computer is called from the cellphone and after identifying the cellphone the central computer submits a code which is indicated on the display of the phone and which can be entered on a key pad in order to open the door (col. 4, lines 10-19 and lines 57-64 and col. 5, lines 25-38).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene's method to include in that the central computer is called from the cellphone and after

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identifying the cellphone the central computer submits a code which is indicated on the display of the phone and which can be entered on a key pad in order to open the door as taught by Whigham. The motivation to combine would eliminate the need for currency for a vending machine and also eliminates the need for a dedicated online connection between the vending machine and the issuer (col. 1, lines 36-39; Whigham)

As per claim 8, Tuttobene discloses in that the space is surrounded, wholly or partly, by transparent walls (col. 7, lines 19-53).

As per claim 9, Tuttobene fails to explicitly disclose in that the central computer is equipped for two-way communication with cellphones. However Whigham discloses in that the central computer is equipped for two-way communication with cellphones (col. 3, lines 60-68 and col. 4, lines 1-19).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene's method to include in that the central computer is equipped for two-way communication with cellphones as taught by Whigham. The motivation to combine is the same as claim 3 above.

As per claim 10, Tuttobene fails to explicitly disclose in that the lock is designed as an electronically controlled code lock, operated by the central computer. However Whigham

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discloses in that the lock is designed as an electronically controlled code lock, operated by the central computer (col. 5, lines 25-37 and col. 7, lines 6-13).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene method to include in that the lock is designed as an electronically controlled code lock, operated by the central computer. The motivation to combine is the same as claim 3 above.

As per claim 11, Tuttobene discloses in that the lock is designed as an electronically controlled code lock operated by a magnetic strip of a credit card (col. 4, lines 3-8 and col. 10, lines 40-53).

8. Claim 4-5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttobene U.S. Pat. 5,273,183 in view of Whigham U.S. Pat. 6,584,309 and Shandlay U.S. Pat. 3,651,478 as applied to claim 3 above, and further in view of Wang et al. U.S. Pat. App. Pub. 2002/0023215 (hereinafter Wang).

As per claim 4, Tuttobene and Whigham both fail to explicitly disclose in that after the door has been locked the central computer performs a comparison between the two inventory lists received from the image processing unite based on the pictures take by the cameras at the opening and closing of the door respectively and calculates the costs for the articles

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taken out. However Shandlay discloses in that after the door has been locked the central computer performs a comparison between the two inventory lists received from the image processing unite based on the pictures take by the cameras at the opening and closing of the door respectively and calculates the costs for the articles taken out (col. 1, lines 1-23; Examiner interprets that "examined and processed" to be performing an inventory comparison of before and after opening and closing of the door).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene and Whighams's method to include in that after the door has been locked the central computer performs a comparison between the two inventory lists received from the image processing unite based on the pictures take by the cameras at the opening and closing of the door respectively and calculates the costs for the articles taken out the display of the cellphone as taught by Shandlay. The motivation to combine would allow for savings in time and be cost effective in eliminating the need for performing hand inventory (col. 1, lines 26-28; Shandlay).

Tuttobene, Whigham, and Shandlay all fail to explicitly disclose transmitting this value to be presented on the display of the cellphone. However Wang discloses transmitting this value

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to be presented on the display of the cellphone (col. 10, paragraph 0104).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene, Whigham and Shandley's method to include transmitting this value to be presented on the display of the cellphone as taught by Wang. The motivation to combine would allow for a portable electronic device, which would advantageously and substantially eliminate the security risks, associated with transactions between a user and transaction system (col. 1, paragraph 0001; Wang).

As per claim 5, Tuttobene discloses in that the central computer automatically prints out a specified invoice, which is sent to the person having gathered the goods (col. 10, lines 59-61).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttobene U.S. Pat. 5,273,183 in view of Whigham U.S. Pat. 6,584,309 and Shandlay U.S. Pat. 3,651,478 as applied to claim 1 above, and further in view of Buttarazzi U.S. Pat. 4,546,901.

As per claim 6 Tuttobene, Whigham and Shandlay all fail to explicitly disclose in that the central computer indicates when the quantity of a certain article in the stock is below a chose order point. However Buttarazzi discloses in that the central

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computer indicates when the quantity of a certain article in the stock is below a chose order point (col. 8, lines 6-13; Examiner interprets "maintaining inventory" to be an indication when the quantity of stock is below an order point).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene, Whigham, and Shandlay's method to include in that the central computer indicates when the quantity of a certain article in the stock is below a chose order point as taught by Buttarazzi. The motivation to combine would allow for a vending system would be able to maintain real-time inventory and allow for the central computer to indicate when it should be restocked with inventory to provide for maximum gains in profit.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttobene U.S. Pat. 5,273,183 in view of Whigham U.S. Pat. 6,584,309 and Shandlay U.S. Pat. 3,651,478 as applied to claim 7 above, and further in view of Rademacher U.S. Pat. 5,450,938.

As per claim 12 Tuttobene, Whigham, and Shandley all fail to explicitly disclose in that the lock is designed as an electronically controlled code lock operated by a so-called smart card. However Rademacher discloses in that the lock is

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designed as an electronically controlled code lock operated by a so-called smart card (col. 2, lines 50-54).

It would be obvious to one skilled in the art at the time the invention was made to modify Tuttobene, Whigham and Shandley's method to include in that the lock is designed as an electronically controlled code lock operated by a so-called smart card as taught by Rademacher. The motivation to combine would allow for a vending system that includes a single vending machine or multiple vending machines, and from which a purchase can be made using either cash or a vend card (col. 2, lines 28-32; Rademacher).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Pat. 5,969,755 [Motion Based Event Detection System and Method].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 7a-3:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the



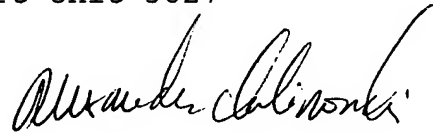
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organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asfand M Sheikh  
Examiner  
Art Unit 3627

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**ALEXANDER KALINOWSKI**  
**SUPERVISORY PATENT EXAMINER**